

Drawing Amendment

Figures 14 and 15 have been amended to provide reference numeral 1256 to the grooves in the nut 1252, reference numeral 1258 to the inverted edges in the channel; 1260 for the side edges of the nut 1252; reference numeral 1262 for the lateral edges of the nut 1252; reference numeral 1264 for the open slot in the frame 1220 and reference numeral 1266 for the threaded fastener. All of these features were previously illustrated but not referenced in the drawings.

New Figure 30 is hereby submitted illustrated claimed features that have been previously disclosed in the application. Specifically, the attachment of the slotted channel conduit frame directly onto pick-up bed or other vehicle surface as described in paragraphs 12 and 18 is now being illustrated.

REMARKS

Claims 1, 3, 6 – 12 and 13 – 25 are currently pending in the application. This amendment supplements and incorporates the amendments and remarks made in the amendment submitted on December 16, 2005 and the Information Disclosure Statement submitted on January 18, 2006.

Amendment to the Specification

The specification has been further amended at paragraph 0046 (paragraph 0072 in the published application 2005/0040613 A1). Further description of the interaction between the open-slotted conduit 1220 and spring nuts 1252 as manufactured by Unistrut Corporation. The description of the insertion of the spring nut fittings anywhere along the slotted channel and then turning ninety degrees to secure the fittings in the channel is inherent in the application disclosure. As shown in the 1999 Unistrut General Engineering Catalog No. 12 which can be found at http://www.unistrut.com/literature/index.php?archive=1&doc=NO_12&pg=1. A copy of the relevant pages are attached to this amendment. This feature is also shown in the Unistrut 1991 catalog (page 6 attached) which can also be found at http://www.unistrut.com/DB/PDF_Archive/No_11.pdf.

The feature of the insertion of the nut anywhere along the open slotted channel and rotating to secure it within the channel is clearly inherent in this framing conduit. As shown in Figure 13, and as described in paragraph 0046 (0072 in the application as published) the nuts 1252 could not be inserted in the oval frame without the insertion technique described in the amended disclosure.

As set forth in Section 2163 (page 2100-176) of the MPEP, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, application was in possession of the invention as now claimed.

The original specification discloses the open slotted conduit 1220, the spring nut fittings 1252 with the indentations, the rectangular shape of the spring nut fittings 1252 (see Figure 15), the use of the Unistrut framing conduit system with spring nuts (paragraphs 0046, 0047, 0053 (0072, 0073, 0079 of the application as published)) and descriptions of the ability to mount

equipment mounting hardware easily and adjustable by use of the slotted framing conduit and spring nuts.

Further, what is conventional or well known to one of ordinary skill in the art need not be disclosed in detail, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. MPEP Section 2163, p. 2100-180. Clearly, as shown in the Unistrut catalogs dating back to 1957, the function of the insertion of the nut fitting into the open slot channel and rotating ninety degrees to secure the nut to allow the insertion of the nut anywhere along the channel was known by Unistrut for use in the metal framing industry. The applicant has demonstrated that they were in possession of this functionality inherent in the Unistrut framing conduit by the disclosure in the application that they were utilizing the Unistrut framing conduit in a novel and nonobvious manner by securing it onto a vehicle surface. Thus the insertion of the spring nut is inherent in the present invention.

Additionally, MPEP 216307(a) states that:

“By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amend to recite the function, theory or advantage without introducing prohibited new matter. In re Reynolds, 443 F.2d 384, 170 USPQ 94 (CCPA 1971); In re Smythe, 480 F. 2d 1376, 178 USPQ 279 (CCPA1973). “To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).”

In the present instance, the open slotted Unistrut framing conduit and spring nut is clearly disclosed in paragraphs 0046, 0047, 0053 (0072, 0073, 0079 of the application as published), and in Figure 15. The function of the insertion of the spring nut fitting into the open slotted channel and rotation to secure the spring nut within the channel was clearly present in this device as shown in the extrinsic evidence attached hereto. Attachment A is the 1997 Unistrut General Engineering Catalog, pp. 4 and 5, and Attachment B is the 1991 Unistrut Catalog, p. 4. These attachments clearly show that the device (open slotted channel with spring nut) have that functionality. Figure 15 in fact is clearly a copy of the device shown in these attachments.

Thus, the amendment clearly does not add any new matter to the application. The functionality of the insertion of the spring nut at any point along the open slot conduit is inherent in the originally filed application.


New Claims 13 - 25

New claims 13 through 25 recite the limitation of a releasable fitting that is insertable into the open slot frame member by twisting the fitting within the open slot. This feature is not disclosed in any of the prior art references. These claims are believed to be allowable.

The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

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